

## ARTICLE 7

### MINOR LAND DIVISION AND LOT LINE ADJUSTMENT

#### 700.00 Minor Land Division

##### 700.01 **Purpose:**

- A. Provide for the division of land into parcels or lots of two (2) or three (3) parts through a process that is more expeditious than the subdivision process.
- B. Maintain accurate records of maps created to divide existing parcels or lots.
- C. Assure that the proposed land division conforms to the standards established by the City of Cottonwood.
- D. Ensure adequate legal access to lots or parcels.
- E. Ensure that Minor Land Division does not constitute a subdivision as defined in the Cottonwood Subdivision Ordinance or Arizona Revised Statutes Title 9.

#### 701.00 Authority

701.01 By authority of the Cottonwood City Council adopted pursuant to powers and jurisdictions vested through Arizona Revised Statutes, Section § 9-463 and Section § 9-463.01 pertaining to subdivision of lands within incorporated areas, and other applicable laws, statutes, orders, and regulations of the State of Arizona and the City of Cottonwood, the Cottonwood City Council does hereby grant the Community Development Director, hereafter referred to as "Director," the power and authority to administratively review and approve or disapprove of minor divisions of land within the City of Cottonwood, as per the regulations contained herein.

- A. **Effective Date:** The regulations contained in this Article shall apply to all divisions of land made within the corporate limits of the City of Cottonwood as of the effective date of this ordinance as adopted by the Cottonwood City Council.
- B. **Definition:** Minor Land Division is the same as "land splits," which as used in this article means the division of improved or unimproved land whose area is two and one-half acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease.
- C. **Applicability:** The division of improved or unimproved land or lands into two (2) or three (3) lots, tracts, or parcels, and which does not involve a new street, shall be subject to the provisions of this Article.
- D. **Subdivision:** The division of any property into four (4) or more parcels, or two (2) or more parcels if a new street is involved, or the division of any property, the boundaries which have been fixed by a recorded plat, into more than two (2) parcels, shall proceed through the Subdivision process, as described in the Cottonwood Subdivision Ordinance.

**702.00      General Standards**

- A. All lots created through Minor Land Divisions shall comply with all requirements for the specific zoning district in which the divisions are located. This includes compliance with the following standards, if applicable:
  - 1. Minimum lot size.
  - 2. Minimum lot width.
  - 3. Minimum setbacks.
  - 4. Minimum yard or frontage requirements.
- B. No lot or parcel shall be divided so that any division of the lot contains more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
- C. No lot or parcel shall be divided so that any division of the lot or parcel results in the creation of a non-conforming structure or use.
- D. No lot or parcel shall be divided so that any division of the lot results in a lack of legal access to any lots or parcels created by or resulting from the division.
- E. No lot or parcel shall be divided so that any division of the lot results in the creation of a lot that does not abut a dedicated public street improved to City standards and connecting with the public street system. Public or private access easements which are filed in the public records of Yavapai County as of August 14, 1979, are exempt from this requirement.

**703.00      Application Requirements**

703.01      **Format for Presentation:** This section outlines the minimum information needed to enable the City to make informed and expeditious decisions regarding applications for Minor Land Divisions. Unless more restrictive requirements are indicated, all mapped data shall be drawn to an accurate scale of not greater than one inch equals one hundred feet (1" = 100'); and shall be submitted on a sheet size of either twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24"). Unless exempted by the Director, the information contained in this Section shall be provided by each applicant.

- A.      **Minor Land Division Application Submittal:**
  - 1. Completed Minor Land Division Application on form prepared by City.
  - 2. Minor Land Division Survey, including six (6) copies of the Minor Land Division Map from a land surveyor or professional engineer registered in the State of Arizona containing the following information:
    - a. Title, which shall read "Minor Land Division Map for "(name of applicant)".
    - b. Location by section, township, and range.
    - c. Legal description of land involved.
    - d. Name, address, and phone number of property owner of record.
    - e. Scale, north point, and dates of preparation and revisions.

- f. Name, address, registration number, and seal of the registered land surveyor and/or professional engineer of record preparing the map with signature.
  - g. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be clearly identified.
  - h. Location and dimensions of all lots within the Minor Land Division Map. All sides of the proposed lots shall be identified by bearing and distances.
  - i. Indicate the size of each lot, tract or parcel with measurements shown in square feet and acreage.
  - j. Show existing streets (public or private); and lot, tract or parcel lines. Indicate portion of parcel line for any abutting parcels for identification purposes.
  - k. Identify existing and proposed easements, including access, utility, drainage and other easements, by course, length and width.
  - l. All lots shall be identified by number or letter.
  - m. If questions pertaining to property boundaries develop, the Community Development Department may require location of existing physical and natural features to be shown, including, but not limited to, buildings, structures, driveways, bridges, culverts, walls, fences, drainage courses, slopes and similar features.
  - n. The map shall include provisions for signatures by the Community Development Director and the City Engineer.
  - o. Location for Recorder's information.
  - p. Identify any public utility extensions or upgrades, when required, to serve proposed land division.
  - q. Provide other information as deemed necessary by the Director to enable the City to determine if the proposed Minor Land Division conforms to applicable ordinances and regulations.
3. Payment of a fee, as set by the City Council, for review of the application and for any revisions of official City maps to reflect the land division.

## **704.00      Application Process**

- A. **Pre-Application Meeting:**
  1. The applicant shall meet with the Director, or his/her designee, to discuss the proposed Minor Land Division. The Director shall advise the applicant of the specific objectives of this article and the specific procedures, standards, and approval process regarding the review of the application.
  2. The Director shall advise the applicant regarding the standards to determine whether the proposed division of land would constitute a subdivision.

**B. Planning Review of Completed Application Submittal:**

The Director, or his/her designee, shall check all application submittals to ensure compliance with City Department comments and applicable City codes and ordinances. It shall be the responsibility of the Planning Department to ensure that all relevant city departments or other agencies receive copies of the proposal for review. The following information is required at the time of application:

1. Completed application form.
2. Completed land division survey map and all related documentation as determined with at least six (6) copies for review by other departments.
3. Application fee.

**C. Inter-Departmental Review:**

The Planning Department shall route copies of the proposed Minor Land Division to applicable city departments, including Planning, Building, Public Works, Utilities and Fire Departments for review and comment prior to final decision by the Community Development Director.

**D. Review Process:**

Upon receipt of a completed application, the Director, or his/her designee, shall provide a decision on the application within thirty (30) days. Review by city departments will be completed and comments returned to the Director prior to a final decision. Approval or denial may be based upon the requirements listed in Section 702.00 of this article describing General Standards.

**E. Appeal:**

Any applicant for Minor Land Division who is dissatisfied or aggrieved by the decision of the Community Development Director may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Director's decision.

**F. Actions after Final Approval:**

If approved, the applicant shall submit the following:

1. A final, recordable, reproducible, map twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") consistent with the approved plan as described in Section 703.1 for the Minor Land Division Map.
2. The format for recording shall meet all requirements of the Yavapai County Recorder's Office, including size of map, type of paper material, margins, type size and other required elements.
3. Once approved by the City, the applicant shall record the Minor Land Division map with the Yavapai County Recorder's Office. A copy of the recorded minor land division map shall be provided to the Community Development Department after being recorded. Said recording shall occur within sixty (60) days of approval, or the Minor Land Division shall automatically become null and void.

**705.00      Lot Line Adjustment**

705.01      **Purpose:** The Lot Line Adjustment is an agreement between adjoining property owners to adjust a common boundary line which does not result in a net gain in the number of lots or parcels. For purposes of this Article, a Lot Line Adjustment shall conform to the following provisions:

- A.      A Lot Line Adjustment between owners of adjoining properties solely for the purpose of revisions to common boundary lines; and,
- B.      Additional lots or parcels are not being created; and,
- C.      All lots remaining after the Lot Line Adjustment shall contain conforming setbacks and minimum lot size, width, depth, and frontage as required by the Zoning Ordinance, and shall meet all other lot development standards of the City of Cottonwood's Zoning Ordinance.

705.02      By authority of the Cottonwood City Council adopted pursuant to powers and jurisdictions vested through Arizona Revised Statutes, Section § 9-462.01 pertaining to zoning regulations, and Arizona Revised Statutes, Section § 9-463 pertaining to subdivision of lands within incorporated areas, and other applicable laws, statutes, orders, and regulations of the State of Arizona and the City of Cottonwood, the Cottonwood City Council does hereby grant the Community Development Director, hereafter referred to as "Director," the power and authority to administratively review and approve or disapprove of minor adjustments of lot line boundaries for parcels within the City of Cottonwood, as per the regulations contained herein.

- A.      **Effective Date:** The regulations contained in this Article shall apply to all adjustments of lot lines made within the corporate limits of the City of Cottonwood as of the effective date of this ordinance as adopted by the Cottonwood City Council.
- B.      **Applicability:** The adjustment, revision or moving of common boundary lines between lots, tracts, or parcels that does not create additional lots, tracts or parcels shall be subject to the provisions of this Article.

705.03      **General Standards:**

- A.      All Lot Line Adjustments shall comply with all the requirements of the specific zoning district in which the divisions are located. This includes compliance with the following standards, if applicable:
  - 1.      Minimum lot size.
  - 2.      Minimum lot width.
  - 3.      Minimum setbacks.
  - 4.      Minimum yard or frontage requirements.
- B.      No Lot Line Adjustment shall result in more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
- C.      No Lot Line Adjustment shall results in a split zoning classification on a single lot or parcel.
- D.      No Lot Line Adjustment shall result in the creation of a non-conforming structure or use.
- E.      No Lot Line Adjustment shall result in a lack of legal access as defined by City of Cottonwood standards to any lots or parcels created by the division.

705.04

**Application Requirements:**

This section outlines the minimum information needed to enable the City to make informed and expeditious decisions regarding applications for Lot Line Adjustments. Unless exempted by the Director, or his/her designee, the information contained in this Section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals one hundred feet (1" = 100'). Unless otherwise directed, the map data shall be drawn on a sheet size of twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24").

**A. Lot Line Adjustment Package:**

1. Completed Lot Line Adjustment Application of form prepared by City.
2. Lot Line Adjustment Survey: two (2) copies completed by a registered land surveyor in the State of Arizona.
3. Payment of an Application Fee as set by the City Council.

706.05

**Lot Line Adjustment Application Process:**

**A. Application Submittal:**

An application for Lot Line Adjustment shall be submitted to the Director with two (2) copies of the lot line adjustment survey and the application fee. The Director shall have thirty (30) working days to approve or reject the application

**B. Review Process:**

If necessary to accurately review the application, the Director may require additional information to be shown on the Lot Line Adjustment map, including buildings, structures, streets, driveways, and other information as per Section 705.03 regarding General Standards. If rejected, written notice shall be provided to the applicant via first class mail, postmarked within ten (10) days after the expiration of the thirty (30) day review period. The written notice shall specify the reasons for denial.

**C. Appeal:**

Any applicant for Lot Line Adjustment who is dissatisfied or aggrieved by the decision of the Community Development Director may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Director's decision.

**D. Actions after Final Approval:**

If application is approved, the applicant shall submit the following:

1. A final, recordable, reproducible map either twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24") consistent with the approved plan showing all lot, tract or parcel corners, dimensions, a complete legal description of the site and of each lot, track, or parcel, and signature block for the Community Development Director, or his/her designee.
2. Upon approval by the Director, the applicant shall record the Lot Line Adjustment map with the Yavapai County Recorder's Office. A copy of the recorded Lot Line Adjustment shall be provided to the Community Development Department after being recorded. Said recording shall occur within sixty (60) days of approval or the Lot Line Adjustment shall automatically become null and void.